

September 13, 2002

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.,
Washington, DC 20554

Re: In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338;
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98; and
Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147.
Appropriate Regulatory Treatment for Broadband Access to the Internet over Cable Facilities, CS Docket No. 02-52

Notice of Oral Ex Parte Presentation

Dear Ms. Dortch:

On Friday, September 13, 2002 Peter Pitsch of Intel Corporation, Grant Seiffert and Derek Khlopin of the Telecommunications Industry Association and Paul Kenefick of Alcatel Corporation met with Matthew Brill of Commissioner Kathleen Abernathy's office. In the course of the discussion Messrs. Pitsch, Seiffert, Khlopin and Kenefick made several points that are set out in the High Tech Broadband Coalition's ("HTBC") pleadings filed in the above referenced FCC broadband proceedings. Among other things, they stated:

- HTBC believes that the best way to promote widespread affordable broadband is to promote strong broadband facilities-based competition among cable modem, wire line broadband (xDSL/fiber), satellite, fixed and wireless alternatives.

- It believes that the FCC should strive to achieve a minimal regulatory environment that encourages all companies to make the costly and economically risky investments in last mile broadband facilities we need to get the full benefits of the Internet.
- Specifically, it believes that the Commission should refrain from imposing unbundling obligations on new last mile broadband facilities, including fiber and DSL electronics deployed on the customer side of the central office.
- DSL services already face competition from the market-leading cable modem service and emerging satellite and wireless broadband services.
- Minimizing these unbundling obligations will reward those who take the risk of investing and thereby promote facilities-based competition and deployment.
- The FCC should clarify that state commissions cannot require the unbundling of network elements that the FCC has determined are not subject to Section 251 unbundling.
- A ruling on the broadband bundling reform should be the FCC's top priority.

Links to the relevant HTBC pleadings are provided in the attachment to this letter.

Pursuant to Section 1.1206(b) of the Commission's Rules, an electronic copy of this letter is being submitted to the Secretary's Office and to Mr. Brill. Please inform me if any questions should arise in connection with this filing.

Respectfully submitted,

Peter Pitsch

cc:
Matthew Brill